

MEETING NOTES

March 8, 2011

Regular text = paraphrased discussion

Italics=Department's response

Italics and indented=rule change

R9-3-201(2) and R9-3-205(B)(3)

The Department is adding a requirement for an applicant to provide an e-mail address as part of an application for a child care group home certificate or when requesting approval of a change in a child care group home's space utilization or capacity.

R9-3-401(C)(6)(b)

A question was raised about whether the written permission, required before a staff member of a child care group home applies group-home-supplied sunscreen, diapering products, or other substances to an enrolled child's skin, was blanket permission or permission for each day's application.

The written permission is for the application of particular brands of specified products or substances whenever it is appropriate to apply the product or substance. Written permission is not required for each application. To clarify this point, the Department is changing the rules as follows:

- b. If the child care group home supplies the sunscreen, diapering products, or other substances, written permission from the enrolled child's parent **for the application of the specific sunscreen, diapering products, or other substances.***

R9-3-402(A)(1)(c)

The Department is removing the requirement that beds, mats, cots, or cribs be placed at least 18 inches apart. The rule is being changed as follows:

- A. A certificate holder shall ensure that:*
 - 1. Each enrolled child who naps or sleeps at the child care group home is furnished with a separate bed, cot, mat, or crib that accommodates the enrolled child's height and weight;*
 - 2. The bed, cot, mat, or crib is not used by another individual while in use by the enrolled child;*
 - 3. The cot, mat, or bed's mattress is covered with a clean sheet that is laundered when soiled, at least once every seven days, and before use by a different enrolled child;*

R9-3-407(A)(~~27,20.~~)

The Department is removing the requirement that foods be prepared in a manner that maintains nutrients, flavor, texture, and appearance.

R9-3-408

A comment was made that the new rules do not contain provisions for transporting enrolled children to or from school, a bus stop, soccer practice, or other activities or for bringing other enrolled children along when taking these trips away from the child care group home.

Another comment was made about the new requirement that a staff member taking enrolled children on a field trip carries a cell phone, stating that a cell phone can be expensive.

The Department acknowledges that there are legitimate reasons for a staff member to take an enrolled child away from a child care group home and believes that parents should be aware of and give permission for these trips.

However, the written permission required for field trips does not cover situations where an enrolled child is routinely taken away from a child care group home under the supervision of a staff member or when a staff member transports an enrolled child and relinquishes supervision of the enrolled child. In addition, the Department believes that adding a requirement for an operational cell phone when enrolled children are off the premises of a child care group home may cause a financial burden on child care group homes. The Department is changing the rules as follows:

R9-3-301

- F. A certificate holder shall:
1. Prepare a document that includes the following information:
 - e. Whether enrolled children go on field trips under the supervision of a staff member;
 - f. Whether the child care group home provides transportation for enrolled children to or from school, a school bus stop, or other locations;
- I. A certificate holder shall ensure that a staff member who has current training in first aid and CPR is present during hours of operation when an enrolled child is on the premises or on a field trip away from the premises under the supervision of a staff member.

R9-3-302

- A. Within 10 days of the starting date of employment or volunteer service, a certificate holder shall provide, and each staff member shall complete, training for new staff members that includes all of the following:
13. Procedures for trips away from the child care group home, if applicable; and

R9-3-408

R9-3-412. R9-3-408. Transportation of Enrolled Children Field Trips and Other Trips Away from the Child Care Group Home

- A. A provider certificate holder shall not transport or allow a staff member to transport take an enrolled child in a motor vehicle on a field trip or for a trip off the premises of a child care group home during hours of operation without written authorization permission from the enrolled child's parent; as follows:
1. For a trip to drop off the enrolled child at or pick up the enrolled child from the enrolled child's school, bus stop, or another location, the written permission shall include:
 - a. The enrolled child's name;
 - b. The location where the enrolled child will be dropped off or picked up;
 - c. The time at which the enrolled child will be dropped off or picked up;
 - d. The time period, not to exceed 12 months, during which the permission is given;and
 - d. The dated signature of the enrolled child's parent;
 2. For a field trip, the written permission shall include:
 - a. The enrolled child's name;
 - b. A description of the field trip;
 - c. The name of the field trip destination, if applicable;
 - d. The street address and, if available, the telephone number of the field trip destination, if applicable;
 - e. The date or dates of the field trip;
 - f. The projected time of departure from the child care group home;
 - g. The projected time of arrival back at the child care group home; and
 - h. The dated signature of the enrolled child's parent.
- B. A provider shall maintain:
1. For a trip under subsection (A)(1), a copy of the written permission required in subsection (A) for 12 months after the date of the last trip; and
 2. For a trip under subsection (A)(2), a copy of the written permission required in subsection (A) for 12 months after the last date for which permission was given.
- F. A certificate holder shall ensure that a staff member taking enrolled children off the premises:
1. Carries the following:
 - a. A copy of the Emergency, Information, and Immunization Record card, including the attached immunization record, for each enrolled child accompanying the staff member; and

- b. Drinking water in an amount sufficient to meet the needs of each individual **going off the premises** and sufficient cups or other drinking receptacles so that each individual can drink from a different cup or receptacle; **and**
- ~~e.~~ **An operational cellular telephone; and**
- 2. Accounts for each enrolled child while the enrolled child is **off the premises**.

R9-3-408(C)(4.)

The Department has reviewed the new requirement for a written report within seven days after a motor vehicle accident and is removing the requirement. The certificate holder is required to ensure that the Department is notified of a motor vehicle accident within 24 hours after the accident and can provide a description of the accident at that time. The Department may contact the certificate holder if the Department requires additional details or a follow-up on the accident. The rules will be changed as follows:

- ~~18.3.~~ The Department is notified by telephone or other equally expeditious means within 24 hours after a motor vehicle accident that involves a motor vehicle transporting an enrolled child, **including a description of the accident**.
- ~~4.~~ **A written report describing the accident is submitted to the Department within seven days after a motor vehicle accident that involves a motor vehicle transporting an enrolled child.**

R9-3-501(A)(2) and (3) and R9-3-506(9)

The rules in R9-3-501(A)(3) require that a second toilet and sink be available when more than 10 enrolled children who do not use diapers are at a child care group home. A question was raised about whether the second toilet and sink are required to be in areas of the child care group home approved for providing child care services or just have to be available in the child care group home residence for use by enrolled children if necessary.

The current rules require that at least one working toilet and one working sink be available for use by up to 10 enrolled children who do not use diapers, while at least two working sinks and two working toilets are required to be available if more than 10 enrolled children who do not use diapers are at a child care group home. The rule does not require these facilities to be in areas of the child care group home approved for providing child care services. However, the Department expects any toilet or sink available to be used by enrolled children to be maintained in a clean and sanitary condition. The Department will clarify the rules as follows:

R9-3-501

- 2. If there are up to 10 enrolled children at the child care group home, excluding enrolled children who are in diapers, indoor bathroom facilities with at least one working toilet and one working sink available **for use by enrolled children**.
- 3. If there are more than 10 enrolled children at the child care group home, excluding enrolled children who are in diapers, indoor bathroom facilities with at least two working toilets and two working sinks available **for use by enrolled children**.

R9-3-506

- ~~11.9.~~ Each **toilet bowl, and sink, lavatory, bathtub, shower, drinking fountain, bathroom floor, activity area floor, and kitchen floor** in a certified **area child care group home available for use by enrolled children** is cleaned and disinfected daily or, if necessary, more often;

R9-3-501(A)(5)

The Department reviewed this subsection and determined that it could lead to double citations if it remained as is. The Department is changing the rule as follows:

- A. A certificate holder shall ensure that a child care group home ~~shall have~~ **has**:
- 5. An outdoor activity area **that complies with R9-3-502**.

R9-3-502(A)(4)(c)

A question was raised about the phrase “any vertical or horizontal open space that exceeds four inches at any point.” If a four-foot fence has vertical bars, the openings between the upper and lower supports for the bars are closer to four feet than four inches.

The Department has reviewed the rule. The rule is consistent with fencing requirements in the child care facility rules. The four-inch or less distance is to prevent a child from getting the child’s head trapped between bars,

between a gate and a fence upright, between the ground and the bottom of the fence, etc. No change will be made to the rule.

R9-3-502(B)

A question was raised about whether an individual whose backyard is between 375 and 500 square feet could apply for a child care group home certificate if the individual limited the capacity of the child care group home to compensate for the smaller square footage in the outdoor activity area.

The Department reviewed the new square footage requirements and is changing the rules as follows:

- B. The outdoor activity area of a child care group home may be less than 500 square feet if:
 - 1. The outdoor activity area is at least 375 square feet in size; and
 - 2. If the certificate for the child care group home:
 - a. Was issued before October 1, 2011; the size of the outdoor activity area is not less than the size of the outdoor activity area on September 30, 2011; and
 - b. Is issued on or after October 1, 2011, the capacity of the child care group home is limited so that the outdoor activity area provides at least 50 square feet per each enrolled child.

R9-3-502(C)

Questions were raised about climbing structures that are 48.5 inches tall, the use of pea gravel or resilient materials other than fine sand or wood chips, and climbing structures that have parts higher than 48 inches that are not able to be anchored.

The Department has reviewed the subsection. Based on the comments received and changing the responsible person from provider to certificate holder, the Department is changing the rules as follows:

- C. A certificate holder shall ensure that:
 - 1. A staff member:
 - a. Keeps the gate in the fence surrounding an outdoor activity area closed while enrolled children are in the outdoor activity area, and
 - b. Arranges play equipment in an outdoor activity area to eliminate hazards and to minimize conflict between children using the play equipment;
 - 2. If a child can fall more than 48 inches from a climbing structure, swing, or slide in an outdoor activity area to the ground below, the climbing structure, swing, or slide:
 - a. Has one of the following covering the fall zone of the climbing structure, swing, or slide:
 - i. At least six inches of fine loose sand, pea gravel, wood fiber product, or other resilient material; or
 - ii. A shock-absorbing unitary surfacing material manufactured for such use in outdoor activity areas; and
 - b. Unless manufactured to be tip-resistant, as stated in the manufacturer's description of the climbing structure, swing, or slide, is anchored securely to the ground with anchors that are installed below the ground and are covered by the resilient material required in subsection (C)(3)(a)(i) or (C)(3)(a)(ii); and
 - 3. If a child can fall between 24 and 48 inches from a climbing structure, swing, or slide in an outdoor activity area to the ground below, the climbing structure, swing, or slide has covering the fall zone of the climbing structure, swing, or slide non-dormant, growing grass or the resilient material required in subsection (C)(2)(a)(i) or (C)(2)(a)(ii);

R9-3-503(D) and R9-3-505(D)(9)(c)

A question was raised about whether a water-play apparatus may be used in which a child goes down a slide into a pool of standing water at the bottom. This device was said to be safer than an alternative where a child slides down onto a flat wet surface.

The Department reviewed photos and specifications of the apparatus described and saw that the pool of standing water appeared to be the equivalent of a wading pool. Both R9-3-503(D) and R9-3-505(D)(9)(c) prohibit the use of wading pools by enrolled children at child care group homes. Therefore, this type of apparatus would not be

allowed. Because the two rules contain duplicative requirements, the Department is keeping the requirement in R9-3-503(D) but is changing R9-3-505(D)(9)(c) as follows:

~~42.9.~~ An enrolled child does not have access to the following on the premises:

- ~~c.~~ A pond, or fountain, or portable wading pool or to any other body of water more than one inch deep that is on the premises; and;

R9-3-504

A question was raised about whether a carbon monoxide detector should be required if natural gas, propane, wood, or another combustible material is burned for heating during hours of operation.

The Department has reviewed safety literature and guidelines on carbon monoxide detectors and is changing the rules as follows:

R9-3-504(A)

- 2. A smoke detector is installed in each indoor ~~activity~~ area of the child care group home approved for providing child care services used by enrolled children and in each hallway of the child care group home's ~~residential building~~ residence;

- 3. A carbon monoxide detector is installed in an area of the child care group home approved for providing child care services if:

- a. The child care group home uses natural gas, propane, wood, or another combustible material for heating during hours of operation; and

- b. A smoke detector required under subsection (A)(2) does not also detect carbon monoxide;

- ~~3.4.~~ Each smoke detector required under subsection (A)(2):

- ~~a.~~ Is maintained in an operable condition; and

- ~~b.~~ Is either battery operated or, if hard-wired into the electrical system of the child care group home's ~~residential building~~ residence, has a back-up battery;

- 5. Each carbon monoxide detector required under subsection (A)(3):

- a. Is maintained in an operable condition; and

- b. Is either battery operated or, if hard-wired into the electrical system of the child care group home's residence, has a back-up battery;

- B. A provider certificate holder shall ensure that a staff member:

- 1. ~~test~~ Makes the battery for each smoke detector required under subsection (A)(2) and each carbon monoxide detector required under subsection (A)(3) each month,

- 2. ~~and shall make~~ Makes a record of each test performed in a ~~smoke detector battery test log,~~

- 3. ~~A provider shall replace~~ Replaces a smoke detector the battery of a smoke detector or carbon monoxide detector that is no longer charged, and

- 4. Maintains the record of the test on the premises for 12 months after the date of the test.

R9-3-504(A)(4.)

The Department has reviewed this requirement and is changing the rule as follows:

- 4.6. The child care group home's ~~residential building~~ residence has at least two portable fire extinguishers:

- a. One of which is ~~that are~~ labeled as rated at least 1A-10-BC by the Underwriters Laboratories and is mounted and maintained in the kitchen, and

- b. One of which is labeled as rated at least 2A-10-BC by the Underwriters Laboratories, ~~one of which is mounted and maintained in the kitchen and is maintained in a location accessible to staff members in an area of the child care group home approved for providing child care services;~~

R9-3-504(A)(~~4~~510)

A question was raised about whether electric portable heaters should be prohibited.

The Department has reviewed safety literature on newer electric portable heaters and is changing the rules as follows:

~~15-10.~~ An unvented space heater, ~~or~~ open-flame space heater, ~~or electric portable heater~~ is not used in the child care group home's ~~residential building~~ residence during hours of operation;

11. **An electric portable heater is not used in the child care group home's residence during hours of operation unless the electric portable heater:**

a. **Has:**

i. **Either a non-porous casing or a grill with a mesh small enough to prevent cloth or a child's finger from entering the casing,**

ii. **A tilt switch that shuts off power to the electric portable heater if the electric portable heater tips over,**

iii. **An automatic shutoff control to prevent overheating, and**

iv. **A thermostat control; and**

b. **Is plugged directly into a wall outlet;**

R9-3-504(A)(~~18~~12)

A question was raised about whether smoking is permitted on the premises of a child care group home in any location.

A.R.S. § 36-601.01 prohibits smoking in public places, but permits smoking in private residences unless the private residence "is used as a child care, adult day care, or health care facility. A.A.C. R9-2-106 expands on this prohibition. Both the statute and the rule refer to the residence rather than the premises of a child care group home. Therefore, the Department is changing the rule as follows:

~~18.12.~~ Smoking is not permitted **on the premises in the residence** during hours of operation ~~only if done outside of certified areas, outside of the residential building, and outside of or in the presence and or sight of enrolled children; and~~

R9-3-504(D)(2)(a)

A question was raised about whether a natural gas outlet, which is unused during hours of operation but which may be used at other times, such as a natural gas outlet to which an outdoor grill may be attached, must be made unusable by having its valves removed and being capped.

The Department has reviewed the requirement and will clarify through technical assistance that a natural gas outlet that is not used during hours of operation but may be used by the provider at other times is not an unused natural gas outlet. No change will be made to the rule.

R9-3-504(E)(1)(c)

A question was raised about whether the set of Emergency, Information, and Immunization Record cards for enrolled children may be used instead of a list in a fire and emergency plan.

The Department has reviewed the requirement and is changing the rule as follows:

C.E. A **provider certificate holder** shall:

1. ~~prepare~~ **Prepare a fire and emergency evacuation plan, consisting of:**

c. **A document or documents that include the contact telephone number for a parent of each enrolled child; and**

R9-3-504(F)(4)(c)

The Department has reviewed this requirement and is changing the rule as follows:

~~3-4.~~ ~~The provider shall make a~~ **A record is made of each fire and emergency evacuation drill in a fire evacuation drill log, including:**

a. **The date of the fire and emergency evacuation drill, and**

b. **The time of the fire and emergency evacuation drill; and**

c. **The amount of time that it took to evacuate each staff member and enrolled child at the child care group home.**

R9-3-505(B)

The Department has reviewed this requirement and is changing the rule as follows to avoid duplication with R9-3-501(A)(4):

- B. Except as provided in ~~R9-3-406(D)(9)~~ subsection (A)(3), a **provider certificate holder** may **allow a staff member to** care for ~~an enrolled children~~ **5 child** five years of age or older on a floor above or below the ground floor of the child care group home's ~~residential building~~ residence if **one of the two unobstructed, usable exits to the outside required in R9-3-501(A)(4) from the floor on which care is child care services are provided has an exit that provides access leads** to the ground level outside without passing through the ground floor.

R9-3-505(D)(3)

A question was raised about whether firearms must be stored unloaded.

Firearms stored in a child care group home should always be unloaded during hours of operation and stored separate from ammunition. To clarify this requirement, the Department is changing the rule as follows:

3. Firearms ~~and ammunition~~ kept at the child care group home are **unloaded, out of the view of enrolled children, and** stored in separate locked areas, locked cabinets, or locked containers **away from the locked areas, locked cabinets, or locked containers in which ammunition is stored** ~~inaccessible to and out of the view of enrolled children;~~

R9-3-505(D)(7)

A question was raised about the use of cords as tie-backs for drapery and whether they may be used in a child care group home.

The Department has reviewed safety guidelines for window blind cords and curtain cords. Based on this review, the Department is changing the rules as follows:

- ~~8.7.~~ Each window blind cord or curtain cord at the child care group home, ~~including an electrical cord, window blind cord, or curtain cord,~~ is **anchored to a wall or** inaccessible to an enrolled child;

Next scheduled meeting

March 22, 2011

1:00 p.m. – 4:00 p.m.

150 N. 18th Ave., 4th floor training room

Phoenix, Arizona, 85007

Tentative discussion:

Review of changes made to Articles reviewed during the March 8 meeting

Review of changes being made based on Department review

Summary of the changes made to the rules since the December 2010 draft

Next steps